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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,828	10/25/2001	William Morgan	29250/CE08491R	3192
22917	7590	10/03/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			NGUYEN, HUY D	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/052,828

Applicant(s)

MORGAN ET AL.

Examiner

Huy D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-20 and 22-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-20 and 22-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-2, 4-20, 22-39 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 11, line 4: it is unclear what "the mile station" is. The examiner will assume it the mobile station.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-2, 4-6, 10-16, 18-20, 22-24, 28-35, 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris (US 2003/0021255 A1).

Regarding claims 1, 6, 11, 19, 24, 30, 38-39, Harris teaches in a wireless communication system, the communication system providing communication service to a mobile station, wherein the mobile station is in communication with a base station via a reverse link (inherently), a method for enabling discontinuous transmission feature on the mobile station, the method comprising: discontinuing transmission of mobile information via a first communication resource (e.g., FCH channel) of the reverse link in response to a trigger event (e.g., detect an originated call); and transmitting mobile information to the base station via a second communication resource of the reverse link (e.g., DCCH channel), the second communication resource being operable for discontinuous transmission (see paragraphs [0031], [0036], [0041] and figure 3, block 46).

Regarding claims 2, 12-13, 20, 31-32, Harris teaches the method of claim 1, wherein discontinuing transmission of mobile information via a first communication resource of the reverse link in response to a trigger event comprises discontinuing transmission of mobile information via a first communication resource of the reverse link in response to one of a user-selectable input, a call setup of a telephone number, a busy tone associated with a dialed telephone number, and a voice input (see paragraph [0017]).

Regarding claims 4, 22, Harris teaches the method of claim 1, wherein discontinuing transmission of mobile information via a first communication resource of the reverse link in response to a trigger event comprises discontinuing transmission of mobile information via a

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reverse fundamental channel of the reverse link in response to a trigger event (see paragraph [0036] and figure 3, block 46).

Regarding claims 5, 23, Harris teaches the method of claim 1, wherein discontinuing transmission of mobile information via a first communication resource of the reverse link in response to a trigger event comprises transferring transmission of mobile information via a first communication resource over to a second communication resource of the reverse link in response to a trigger event (see paragraph [0036] and figure 3, block 46).

Regarding claims 10, 18, 28, 37, Harris teaches the method of claim 1, wherein the communication system comprises a code division multiple access (CDMA) based communication system (see paragraphs [0001], [0041]).

Regarding claims 14, 33, Harris teaches the apparatus of claim 11, wherein the first communication resource comprises one of a reverse fundamental channel and a reverse traffic channel (see paragraphs [0031], [0036], [0041]).

Regarding claims 15, 34, Harris teaches the apparatus of claim 11, wherein the second communication resource comprises a reverse dedicated control channel (see paragraphs [0031], [0036], [0041]).

Regarding claims 16, 35, Harris teaches the apparatus of claim 11, wherein the mobile information comprises one of control information and traffic information (see paragraphs [0031], [0036], [0041]).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 9, 25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Wiorek et al. (U.S. Patent No. 6,108,550).

Regarding claims 7, 25, Harris fails to teach transmitting mobile information to the base station via a second communication resource of the reverse link comprises transmitting control information to the base station via a second communication resource of the reverse link. However, the preceding limitation is taught in Wiorek et al. (col. 5, lines 42-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have mobile station transmit control information to the base station via the reverse link as taught in Wiorek et al. to insure the signal quality of the link.

Regarding claims 9, 27, Harris does not teach transmitting mobile information to the base station via a second communication resource of the reverse link comprises transmitting a pilot strength measurement to the base station via a reverse dedicated control channel of the reverse link. However, the preceding limitation is taught in Wiorek et al. (col. 5, lines 42-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Wiorek et al. to the teaching of Harris to insure the signal quality of the links.

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8. Claims 8, 17, 26, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Yamada et al. (U.S. Patent No. 6,011,960).

Regarding claims 8, 17, 26, 36, Harris does not clearly teach transmitting mobile information to the base station via a second communication resource of the reverse link comprises transmitting one of an encoded dual-tone multiple frequency (DTMF) message associated with a DTMF tone and a pilot strength measurement to the base station via a second communication resource of the reverse link. However, the preceding limitation is taught in Yamada et al. (col. 5, lines 54-65; col. 6, lines 64-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have mobile station transmit one of an encoded dual-tone multiple frequency (DTMF) message associated with a DTMF tone and a pilot strength measurement to the base station via the reverse link as taught in Yamada et al. for convenience and to insure the signal quality of the links.

#### ***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huy Nguyen



JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER